IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 32810 of 2007(E)

PETITIONERS:

1. AJITH G.,
   EZHUMANGALAM, MALLIKA,
   THATTAYIL P.O., ADOOR.

2. LALI,
   ETTUKANDATHIL,
   NORTH ARYAD P.O., ALAPPUZHA.

3. RAJALAKSHMY V.R.,
   MURINGANAD,
   S.L.PURAM P.O., CHERTHALA.

4. GIRIJA T.S.,
   KOCHUVELIYIL HOUSE,
   MUHAMMA P.O., ALAPPUZHA.

5. JAYAMOL S.,
   KUNNEVELI,
   PATHIRAPPALLY P.O., ALAPPUZHA.

6. BINDU THANKAPPAN,
   PUTHENPURAYIL, AZHEEKKAL P.O.,
   PRAYAR, KOLLAM.

7. JAYASREE C.H.,
   KADAVILTHARA,
   ERAMALLORE, ALAPPUZHA.

8. AJU R. @ AJU RAGHAVAN,
   POIKAVILAPADINJATTATHIL,
   NEDUMPANA P.O., KOLLAM.

   BY ADV. SRI.J.OMPRAKASH

RESPONDENTS:

1. THE KERALA PUBLIC SERVICE COMMISSION,
   REPRESENTED BY ITS SECRETARY,
   THIRUVANANTHAPURAM.

2. THE DISTRICT OFFICER,
   P.S.C., PATHANAMTHITTA.

3. THE DISTRICT OFFICER,
   P.S.C., ALAPPUZHA.

BY ADV.SRI.ALEXANDER THOMAS - STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.32810 of 2007 E

Dated this the 22nd day of November, 2007.

JUDGMENT

I heard counsel on both sides. As agreed to by both sides, the case is taken up for hearing and is being disposed of.

2. Petitioners applied for the post of L.D.Typist in various departments pursuant to the notification issued by the Public Service Commission on 31.12.2005. One of the prescribed qualifications is a course in Computer Word Processing. The Public Service Commission had declared certain qualifications as equivalent by two notifications dated 15.12.06 and 30.7.2007. The course offered by the Science and Technology Entrepreneurship Development Project was declared to be one of the equivalent qualifications in the notification dated 30.7.2007. Ext.P1 is the certificate obtained by the first petitioner to the effect that he had

participated in "BASIC PROGRAMMING DOS, d BASE III PLUS WORD STAR AND LOTUS 1-2-3 SOFTWARES" during the period between 4th January, 1993 and 24th July, 1993. Prima facie, the said certificate seems to be sufficient in terms of the qualification prescribed by the Public Service Commission. But the first petitioner's application was rejected under Ext.P5 stating two reasons. Firstly, he does not possess the notified qualification and that secondly, the certificate produced by him is not sufficient, as it does not communicate that the person concerned has passed the course. In view of the fact that the course offered by the Science and Technology and Entrepreneurship Development Project is treated as equivalent in terms of the circular issued on 30.7.2007, I am of the view that the first petitioner's case ought to be reconsidered by the Public Service Commission, since one of the reasons, that the

certificate does not provide that the holder of the certificate has passed the course, does not seem to be tenable. After all, no certificate will be issued to a person merely for attendance without having completed the course successfully. In fact, Ext.P1 would show that the certificate is issued in favour of Sri.G.Ajith, who has successfully undergone the course in the manner mentioned therein.

3. Insofar as the other petitioners are concerned, the certificates produced by them along with the writ petition will show that the qualifications possessed by them cannot be considered as either prescribed or equivalent in terms of the notification issued on 30.12.2005.

4. Learned counsel for the petitioners submits that the Public Service Commission does not have power to change the qualifications subsequent to the issuance of the notification. In my view, the contention need not be

considered in this case for two reasons. Firstly, there is no specific challenge to the notifications. Even if the challenge was accepted, it does not bring about any benefit to the petitioners. Secondly, the contention regarding the power of the Public Service Commission has been considered and rejected in W.P.(C)No.12356/07 by this court. I do not find any error in the stand taken by the Public Service Commission in relation to petitioners 2 to 8.

In the result, writ petition is disposed of directing the Public Service Commission to reconsider the case of the first petitioner, with specific reference to his certificate treating it as evidence of him having successfully completed the course in question and having acquired the qualification. Thereafter necessary consequential action shall be taken treating the first petitioner as eligible. Endeavour shall be

made by the Public Service Commission to complete the process without further delay.

The writ petition will stand dismissed in respect of petitioners 2 to 8.

Sd/-
(V.GIRI)
JUDGE

sk/

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